

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 23-cv-20100
Hon. Matthew F. Leitman

v.

D1 CALVIN ZASTROW,
D2 CHESTER GALLAGHER,
D3 HEATHER IDONI,
D5 JOEL CURRY,
D6 JUSTIN PHILLIPS,
D7 EVA EDL, and
D8 EVA ZASTROW,

Defendants.

**ORDER GRANTING GOVERNMENT'S
MOTION TO COMPEL DISCOVERY (ECF No. 286)**

On May 31, 2024, the Government filed a Motion to Compel Discovery. In the motion, the Government asked the Court to compel the Defendants to produce (1) all reciprocal discovery required to be produced under Rule 16(b) of the Federal Rules of Criminal Procedure and (2) statements of witnesses covered by Rule 26.2 of the Federal Rules of Criminal Procedure. The Government asked the Court to require Defendants to produce these materials by June 14, 2024, and to exclude any evidence that should have been produced under Rule 16(b) and Rule 26.2 if the Defendants fail to comply with the Court's order to compel.

Defendant Calvin Zastrow filed a response to the Government's motion in which he stated that he has provided the Government with "virtually" all discoverable information. (*See* Resp., ECF No. 291.) Defendants Eva Zastrow and Joel Curry concurred in that response. (*See* ECF Nos. 294 & 296.) Defendant Phillips also filed a tardy "notice of intent to offer evidence." (*See* ECF No. 295.)

The Court has carefully reviewed the submissions and concludes that the Government's motion should be granted in substantial part. The Court has ordered the Government to make early production of Jencks Act materials and to provide a witness list and exhibit list earlier than generally required. Moreover, the Government has provided the Defendants with substantial discovery. It is only fair that the Defendants provide the reciprocal discovery requested by the Government and that the Defendants do so in a time frame that allows the Government a reasonable opportunity to address the materials provided by the Defendants – either by moving to exclude those materials if the Government deems that necessary or by preparing to confront those materials at trial. For that reason and for the reasons set forth in the Government's motion, the Court orders that Defendants produce to the Government all of the discovery identified in the Government's motion, including the discovery requested by the Government under Rules 16(b) and 26.2 of the Federal Rules of Criminal Procedure. In order to ensure that the Government has a reasonable opportunity to address the Defendants' production, Defendants shall

make the production required under this Order by not later than June 28, 2024.¹ That deadline properly balances (1) Defendants' need for additional time to gather and produce the materials with (2) the Government's need to receive the materials in time to respond to them. Defendants shall be precluded from offering into evidence any materials required to be produced under this Order by the deadline set forth in this Order (unless Defendants show good cause for their failure to meet the deadline and a lack of unfair prejudice to the Government).

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 18, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 18, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126

¹ The Government asked the Court to order the production by June 14, 2024. That date has passed, and the Court orders production by the date set forth above for the reasons set forth above.